

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION**

UNITED STATES OF AMERICA :
ex rel. GLENN F. NICHOLS and :
UNITED STATES OF AMERICA, :

Plaintiffs, :

v. : Civil Action No. 4:02-CV-66(HL)

OMNI H.C., INC, et al. :

Defendants. :

AMENDMENT TO ORDER OF DISMISSAL

On September 30, 2009, the Court entered an order under which this action would stand dismissed with prejudice if no party reopened the action within 90 days. The United States has informed the Court that the parties have entered into a settlement agreement which provides for periodic payment of the settlement amount within a two-year period from execution of the agreement. The settlement agreement also contains language which allows for rescission of the agreement in the event of default, the filing of a lawsuit, and Defendants' waiver of any defenses under the theories of statute of limitations, laches, estoppel, or similar theories.

The Court recognizes that its previous order which provides for dismissal with prejudice would prohibit the United States from re-filing the lawsuit in the event that there is a default in accordance with the settlement agreement. Therefore, the Court amends the last sentence in the second paragraph of its previous order (Doc. 147) to

read as follows: "If the action is not reopened, it shall stand dismissed, without prejudice."

SO ORDERED, this the 4th day of January, 2010.

s/ Hugh Lawson

HUGH LAWSON, SENIOR JUDGE

mbh